

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANA L. RICE-SMITH,	:	CIVIL ACTION NO. 1:20-CV-1473
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MISERICORDIA CONVALESCENT HOME, d/b/a MISERICORDIA NURSING & REHABILITATION CENTER,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 21st day of June, 2022, upon consideration of the motion (Doc. 35) for summary judgment by Misericordia Convalescent Home (“Misericordia”), and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum of today’s date, it is hereby ORDERED that:

1. The motion (Doc. 35) for summary judgment is GRANTED in part and DENIED in part as follows:
 - a. The motion is GRANTED with respect to Rice-Smith’s claims for discrimination on the basis of race pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Pennsylvania Human Relations Act (“PHRA”).
 - b. The motion is GRANTED with respect to Rice-Smith’s claims for retaliation pursuant to Title VII, the PHRA, and the Americans with Disabilities Act (“ADA”).
 - c. The motion is DENIED with respect to Rice-Smith’s claims for discrimination on the basis of disability pursuant to the ADA and PHRA.

- d. Judgment is DEFERRED pending trial on the remaining claims.
2. A United States Magistrate Judge of this court is available to preside over this case, see 28 U.S.C. § 636(c); FED. R. CIV. P. 73, and may be available to do so earlier than the undersigned.¹ The Clerk of Court shall mail an AO 85 form (“Notice, Consent, and Reference of a Civil Action to a Magistrate Judge”) to all parties in the above-captioned action together with a copy of this order. All parties who consent to jurisdiction of a United States Magistrate Judge shall complete and return the AO 85 form to the Clerk of Court no later than **July 12, 2022**.
 3. A United States Magistrate Judge of this court is also available and willing to serve as a settlement officer in this case. The parties shall promptly meet and confer to discuss participating in a settlement conference with a United States Magistrate Judge. No later than **July 12, 2022**, the parties shall certify to the court by way of letter filed to the docket that they have met and conferred as directed and shall indicate whether a referral to a United States Magistrate Judge for a settlement conference is requested.
 4. If the parties do not consent to the jurisdiction of a United States Magistrate Judge and do not request a settlement conference before a United States Magistrate Judge by the deadlines in paragraph 2 and 3, the court will schedule a pretrial telephonic scheduling conference to establish a pretrial and trial schedule.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

¹ The parties are reminded that consent is optional and may be withheld without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with the case.